

Franklin County Commissioner Meeting

January 7, 2008 @ 9:00 A.M.

County Commissioners Public Meeting Room

Those present:

Franklin County Commissioner:	Thomas E Wilson	Eric E Roberts	Donald M VonderMeulen
Commissioners Secretary:	Carol Westerman		
Franklin County Auditor:	Susan A Jones		

Thomas Wilson opens the January 7, 2008 Commissioners Meeting at 9:00 A.M. with the Pledge of Allegiance.

WEEKLY

REPORT Rebecca Oglesby, County Treasurer, reported that Susan has been working real hard in getting distribution out and hopes to get monies distributed this week; have been getting phone calls from the schools. Susan reported that have been having problems with the computer program, our next step is putting together the quietus together to balance with the Treasurer’s Office and getting approval from the State. Eric asked about the Rebate checks. Becky replied that the distribution needs to be completed first, than a second 5% penalty program needs to be put on, then we can start on the rebates

2008

INVESTMENTS

REPORT Rebecca Oglesby, County Treasurer also presented the 2008 Investments Report on Certificate of Deposits that is currently invested with the various banks, along with banks in which the County has their checking accounts.

(Insert Report)

SAFE

PASSAGE Christa Harness, County Advocate of Safe Passage is requesting a room in the Courthouse one day a week, or a day every other week, to be more available in Brookville for their clients they serve in Franklin County. Eric suggested she contact the Prosecutor, and he would also talk to him about a room in either the Courthouse, Court Street Annex behind the courthouse or the North Annex Building.

COVEY TRACE RD

1-YR WARRANTY

PERIOD ENDS

Dave Siefferman, Developer of Covey Trace Sub-Division had presented a letter to the Board of Commissioners requesting that Covey Trace Road be incorporated into the County Highway System. Larry Franzman, Area Plan Director reported issues that had been addressed a year ago have been corrected. The brims on the cul-de-sac have been corrected and the sign height had been addressed. Tom asked if the road has held up, Larry reported he had not been back out there. Mr. Siefferman also has on file in the Area Plan Office the compaction testing for the road surface. Chester Ball, District One Forman and George Hartman, Highway Engineer along with Larry will check the road and get back with the Commissioners with their report.

REX PIPELINE

PROCEDURES

Jason Wischmeyer, Attorney and Allen Fore, Public Affairs/Relations for Rockies Express Pipeline came before the Commissioners regarding the REX Pipeline. Mr. Wischmeyer had said they would come back and discuss the REX Pipeline Project and the Special Exception Permits applied for and going before the Board of Zoning Appeals.

The Permit Hearing has been set for February 25, 2008, a presentation will be given by the officials of the Rockies Express Pipeline giving Government Officials to ask any question or concerns they have with the project. Then, another presentation for the general public, a chance for public comment. Jason said he had been working with Larry in getting the permit filed for the past two/three weeks and working on the all the notifications of all the affected property owners, that they are aware of the hearing. A couple of different issues, so the Commissioners are aware of road cuts and road usage litigation effects of the project, safety concerns, land value affects, insurance rate, and repercussions for the project, sliding of the hills and things of that nature, construction timing periods around the county and roads into private farms are the biggest issues. Mr. Wischmeyer will be delivering to the Franklin County Highway Department the Indiana Department of Highway Guideline on road closures and

procedures. States our goal is to have open communications and have information available for the February 25th meeting.

Mr. Fore presented to the Commissioners a Rockies Express Pipeline Newsletter and Summary of the Project. Explained that the REX Pipeline Project is divided into 3-Phases which include REX-Entrega, REX-West, and REX-East. REX-East includes Illinois, Indiana and Ohio is in federal review, the next few nights the project is in public hearings for public scoping with the Federal Regulatory Commission to hear public comment on the environmental impact that the project will have on the eastern states that they had passed through. There are 140 conditions that they have in order to satisfy their interest in making the project acceptable.

We are currently in the Land Acquisition Phase in Franklin County all across the eastern states, Missouri, Illinois, Indiana and Ohio. We are crossing 28 miles in Franklin County, 139 tracts of property; we are currently in the mid 40's on acquisitions about 30+%, which is on schedule. Construction is scheduled to begin this summer.

Agents are out every day acquiring easements for 50 feet for permanent right-of-way and additional 75 feet temporary construction work space. Eric asked if that is legal even though you don't have FERC approval, if FERC would deny this, would you still have easement of that land. Mr. Fore said the land owner would be paid.

Eric asked, is that written in the land owner's contract. Mr. Fore said the project wouldn't move forward, we would still have the easement even if we wouldn't have the project, we would still pay for the easement, with the anticipation the project in moving forward. Eric asked if you follow the existing pipeline. Mr. Fore said we are required to so, most of the time we do. Eric asked why did you chose to come south of Indianapolis, rather than north. Mr. Fore said we were following the panhandle eastern line, the idea was to go around Carmel, the homes are butted up against the 50 foot easement, there is no were to go with the line. There was more discussion on the route that REX Pipeline had chosen. Eric asked about the wellhead protection areas south of town that you are going through. It was said we would have to do whatever litigation necessary that there be no reverse impact. We will be documenting road crossings in your County. While the project is governed by FERC, because it's a federal project, we are obligated to work with State, Counties, State Regulatory Agencies, States Lesions, County Government, your Road People, anything we have to get permits for we have to abide for. We will work with your County to have as little impact as we can. Do you have an engineering plan prior to boring our roads, that our engineer can look and do we receive a has built after construction. We will do whatever specification you have. What about the impact on the rest of the road that you travel. Mr. Fore stated whatever impact, with heavy equipment, we have on the roads we will take responsibility for that. We work with counties especially during the wet season. Tom Wilson asked if you will video the roads that you travel. Mr. Fore said that has not been asked before, but we can accommodate you. We know there are issues with the conditions with the soils and know there will be issues with erosion. Don VonderMeulen states he understands that you had applied for a Special Exception. Mr. Wischmeyer said he has been working with Larry Franzman. Don asked Larry is this the time to put in our concern in writing. Larry said yes this is the time to state your concerns. There was more discussion on the subject and some of the concerns were asked and went over earlier. REX Representatives will give a more detailed presentation on February 25th.

CONSECO

INSURANCE

Jay Snyder, Agent for Consecos Supplemental Insurance requests permission to speak to the County Employees for Supplemental Insurance. Commissioners gave permission.

TOM RITZ

CONCERNS

Tom Ritz came before the Board of Commissioners with questions and concerns for the Proposed Zoning Text and Comprehensive Plan. Presented a letter to the Board of Commissioners. Hired a company from HNTB. Is accusing the Area Plan of gross error or fraud by Area Plan. Cannot conduct a bidding process behind closed doors, as it appears to him as what has happened, he has been studying it for four years. Says to Jay Gillespie has seen him at many meetings. Going back to what he had presented this is where it all started, there is no date or signature, nobody has claimed to have typed it. I asked Susan Jones, did she type it and she said no she did not type this. I asked the Commissioners did you go in front of the Area Plan demanding a new zoning text, they said no, that was Lou Linkel and Robert Brack and Tom Wilson. Usually when a letter is written, there are initials put in the corner. There seems to be no reporting on this, I represent a lot of people in this county, a lot of people. And they kind of put me in charge of this, and it doesn't pass the smell test. The more I looked into this, the more it did not add up. Supposedly there is a gentleman named Mr. John Palmer, to represent the Commissioners, he was the voice Commissioners during this Zoning process. We call it the Palmer Proclamation, in the letter to the editor in May of 2000 (will be giving the Commissioners a copy), he says were not like other counties, the little guy rates. This is one time the little guy can stand up and speak, so they took 2 guys from each township, which he believes there are 13 townships and got a group of people to kind of hear the voice on this county. So the little guy rates he kings, that how the government is set up, we the people, by the people, for the people. You guys supposedly represent the voice of your designated district. Eric you're in Whitewater Township, Eric says Springfield, you represent Whitewater; which is where I live. I'm going to let my voice be heard loud and clear, this zoning text was not written by the little guy. I bet my life on it right now, it was written by big government, big utilities and special interest. I'm going to prove it. First of all, the bidding process is sacred, there's rules and

regulation that you need to follow, well unfortunately Franklin County did not follow the proper techniques, there are I.C. Codes that protect, that there's fair bidding going on (I got little packets that will explain some of it). I'm been trying (not trying to pick on Mr. Franzman, that he's got a lot of work involved) but something is not lining up, there's the rules. A copy of the request for proposals must be in his office, I should be able to go to that right now and pick it out, I should not have to schedule a meeting, but I did do that. I wrote letters, as you look under the next page April 5, 2004, I'm asking for the bids. I think that a fair request as a tax payer with standing, he finally responds with letter that there is only one contract. Now I didn't ask for the contract, I asked for the bid, never got it. So Jay you said it was the way I worded it, it's not called bids, there called qualifications/proposals. So I took your advice and submitted another letter a couple of years later. No response, completely ignored, and according to my understanding of the law, he has 24 hours to get back with me. So, we're in 2008, it's been four years now and still don't have the bids. So I did a little more research, it's like a big jig saw puzzle, nothing lines up, nothing. Then I find out that HNTB submitted a bid to the county a year before the other companies were consulted. Mr. VonderMeulen in your opinion, does that sound ethical, just from what I told you. Don replies that I don't understand all the details. Okay, there's a proposal going out and all the consulting firms in Kentucky, Ohio and Indiana. We're going to do a new comprehensive plan, we want your input. They sent out 22, according to the Commissioners Minutes, 22 consulting firms were notified and by March 31, 2000 if you wanted to be considered as one of the companies for the new comp plan. Okay that was the deal, now what happened was, that company HNTB was actually consulted the year before the proposal letter went out. My explanation it doesn't pass the smell test and interesting enough, that company got the bid. The bid originally was this amount \$60,000.00 we're missing \$40,000.00. How much was the comprehensive plan, Tom mentioned \$100,000.00, that the amount I keep hearing, so where's the \$40,000.00 and Area Plan says there's a twofold contract. Keep in mind that this bid was given a year before they announced the bids were going out. That to me is not passing the smell test. Mr. Ritz then again explains the \$60,000.00 versus the \$100,000.00 now he saying \$130,000.00 that he has invoices and canceled checks and that invoices are sent to a person's home, Mr. John Palmers. He has the documentations. Had been in contact with Mr. Johnny Nugent and Ms. Karen Davis, Public Access Council, she is no longer there. Mr. Franzman says there were five consulting firms that responded to his proposal letters, the research does not support that, the research says that seven companies that responded. Mr. Ritz has documentation. There was then discussion on when the start of the new comprehensive plan data was requested between the Commissioners, Jay and John Estridge. There was more discussion by Mr. Ritz as he had stated and repeated earlier. Mr. Palmer went on to explain on how the committee met and gathered information for the Comprehensive Plan. The point is after Don asked what the point was and Mr. Ritz is speaking to Mr. Roberts here, do not sign the current text as it stands now, it is not represent the little person, nobody in their right mind, there worried about height of hedges, worried about dedicated highways, which we give 50 feet of our land to utility companies, that zoning text was written by a company that concern about super pops, not the little guy. He would like to see the minutes of all these people you talked to, surely you would have some kind of documents kept. I'm still waiting on the bids, were there bids excessive from the five consulting companies that answered your letter from Mr. Franzman's office.

PUBLIC TRANSPORTATION

SECTION 5311 GRANT

AGREEMENTS

Eric Roberts moved for Tom to sign the Grant Agreements for Public Transportation. Don VonderMeulen seconded. Tom Wilson all in favor. Motion carried.

COVERED BRIDGE

CERTIFICATION

Tom Wilson made the motion certifying that there are (2) covered bridges in Franklin County. Eric Roberts seconded. Don VonderMeulen all in favor. Motion carried.

REVISED

CLAIMS SCHEDULE

ORDINANCE 2008-01

Tom Wilson made motion to resign Claims Schedule for 2008 Ordinance 2008-01. Eric Roberts seconded. Don VonderMeulen all in favor. Motion carried.

(Insert Ordinance)

GEORGE HARTMAN

WEEKLY REPORT

George Hartman, Highway Engineer presented to the Board the Quarterly Report for the Federal Highway Administration with our meeting on November 27, 2007 with INDOT on the County's Bridge Projects. The report is due January 21, 2008. George had provided these forms to the Consultants for the various projects, Railfence Bridges 110 & 111, Blue Creek Bridge 94, Pipe Creek Bridge 48, Snow Hill Covered Bridge 102, Enochsburg Covered Bridge 73. George had received information from all consultants, except from Barker Engineering for Bridge 73.

Joe Gillespie, County Surveyor reported that he had settled negotiations with McCreay’s and deed signed for Bridges 110 & 111. In the process of forwarding information for right-of-way audit’s in Seymour tomorrow. The audit needs to be completed 60 days before the bid letting in March/April. Local Funding is being provided by a interest free loan and would be 10% of the bid. Also the funding would need to be advertised and an appropriation be made.

JOHNSON FORK

BRIDGE 100

George had also presented a INDOT Progress Estimate that Drew Barth of Howard J Barth & Associates had provided for the period 11/16/07 to 11/30/07. This is an estimate of INDOT’s payment to the Contractor.

APPLICATION
FOR FEDERAL AID

PROJECTS George again is asking if the Commissioners are wanting to submit an Application for Federal Aid Projects, the application is due to INDOT February 21, 2008. After much discussion a motion was made by Tom Wilson not to submit application and wait a year until the next round. Eric Roberts seconded. Don VonderMeulen requests that we wait a couple more weeks to put a spread sheet together on funding.

PRESIDENT
BOARD OF
COMMISSIONERS

Eric Roberts moved to elect Tom Wilson, President for 2008. Don VonderMeulen seconded. Motion carried.

VICE PRESIDENT
BOARD OF
COMMISSIONERS

Tom Wilson moved to elect Eric Roberts, Vice President for 2008. Don VonderMeulen seconded. Motion carried.

2008 APPOINTMENTS

The 2008 Yearly Appointments were approved as read.

County Attorney	Eugene Stewart	
Area Plan Director	Larry Franzman	
Highway Foreman District 1	Chester Ball	
Highway Foreman District 2	Brian DeFossett	
Highway Foreman District 3	Dennis Shell	
Small Animal Control Officer	Lou Fasbinder	
Transfer Station Custodian	Dennis “Ray” Halpin	
Veterans Service Coordinator	Don Mulvany	
E-911 Coordinator	Tracy Lightfield	
EMA Director	Ed Hollenbach	
Alcoholic Beverage Board	Ronald Cooper	
Franklin County Cemetery Commission	John Estridge	5-Year Term
Franklin County Public Housing Authority	Rick Gill	
Franklin County Convention, Recreation & Visitor Commission Board	Carol Dobson	Ray Township Representative
	Natasha Kellerman	Restaurant Representative
	Robert Felix	Water Recreation Representative
Southeastern Indiana Private Industry	Don VonderMeulen	
Southeastern Indiana Regional Planning Commission	Larry Franzman & Susan Jones	
Southeastern Indiana Solid Waste District	Tom Wilson	
Regional and Local Economic Development Commission	Eric Roberts	

AREAS OF
RESPONSIBILITES

Transfer Station/Recycling/Government Center/SAC	Tom Wilson
Highway/Gravel Pit/Court House	Eric Roberts
North Annex/Old Senior Center Annex/Court Street Annex	
Security Center/E-911/Communications	
Senior Citizens/Public Transportation	Don VonderMeulen

MINUTES Eric Roberts moved to approve the minutes of December 31, 2007. Don VonderMeulen seconded. Tom Wilson all in favor. Motion carried.

OFFICIALS

BOND Tom Wilson moved to sign the Officials Bond for Marlene Flaspohler, County Clerk. Eric Roberts seconded. Don VonderMeulen all in favor. Motion carried.

HEALTH

INSURANCE

CLAIMS Tom Wilson made motion to approve the Health Insurance Claims for MainSource Bank and Medical Benefits. Claims to be advertised with the January 14th Claims. Don VonderMeulen seconded. Eric Roberts all in favor. Motion carried.

NEW TRENTON

DRAINAGE ISSUE

Joe Gillespie, County Surveyor presented a site plan of the drainage area in New Trenton involves the Stevens Property, Dunn Property and the Church Property. There is a drainage issue with the property owned by the Trustees of Smyrna Missionary Baptist Church. There is a Drainage Board Meeting scheduled for January 28, 2008 in which this can be discussed in further detail.

RIVER ROAD

SUBDIVISION

R-O-W DEED

Joe Gillespie presented again the County Road Right-of-Way Deed in connection with River Road Subdivision. Kenneth Konradi and Mark Hardebeck signed a deed to the County for 7 tenths of an acre that is already county right-of-way along River Road. This acreage was included in the subdivision. There are delinquent taxes on the parcel to be transferred. Joe is asking what can be done to get this property transferred to the County. Joe was told to talk to the Assessor, Auditor and Treasurer to see what can be done.

ADJOURN Tom Wilson motion to adjourn. Eric Roberts seconded. Don VonderMeulen all in favor. Motion carried.

Those Also Present:	Joe Gillespie, Surveyor	George Hartman, Highway Engineer
	Rebecca Oglesby, Treasurer	Hollie Sintz, Highway Larry Franzman, Area Plan
	Eugene Stewart, Attorney	John Estridge, Brookville News
	Seth Whitegtton, Connersville News Examiner	Diane Raver, Herald Tribune
	Christa Harness, Safe Passage	Tom Ritz Randy Ritz
	Jay Snyder, Consec	Allen Force, REX Jason Wischmeyer, REX

AYE	NAY	
<div>Thomas Wilson</div>	<div>Thomas Wilson</div>	ATTEST:
<div>Eric Roberts</div>	<div>Eric Roberts</div>	<div>Susan Jones</div>
<div>Don Vonder Meulen</div>	<div>Don Vonder Meulen</div>	